

## **REMARKS**

In the Office Action, the Examiner objected to the specification, objected to the drawings, rejected claims 1 and 9-29 under the first paragraph of 35 USC § 112, rejected claims 1 and 9-29 under the second paragraph of 35 USC § 112, and rejected claims 1, 9 and 27 under 35 USC § 102(b). These objections and rejections are fully traversed below.

Claims 1 and 19 have been amended to further clarify the subject matter regarded as the invention. Claims 1 and 9-29 remain pending. In addition, a minor amendment to the specification has been made to correct a typographical error.

Reconsideration of the application is respectfully requested based on the following remarks.

### **OBJECTION TO THE SPECIFICATION**

In the Office Action, the Examiner objected to the specification at page 1, line 28 indicating that the patent number therein recited is erroneous. Applicant has amended the specification to correct this typographical error with respect to the patent number. Accordingly, it is respectfully requested that the Examiner withdraw the objection to the specification.

### **OBJECTION TO THE DRAWINGS**

In the Office Action, the Examiner objected to the drawings for failing to show certain features specified in the claims. In particular, the Examiner states “the coating of the electrically conductive bonding material on the inside of at least one of the battery parts and the sealant outreaching the edge of the films must be shown or the features cancelled from the claims.” As to the coating, apparently the Examiner is referring to claims 10, 11, 14, 17, 21, 26 and 28 which recite the presence of a coating of electrically conductive bonding material. Such a coating is also described, for example, on page 2, lines 23-25 of the specification. Submitted together herewith is a proposed additional Figure 3 which would be added to the application to more clearly illustrate the presence of the coating of electrically conductive bonding material. As to the sealant outreaching the edge, such is clearly illustrated in Fig 1. For example, in Fig. 1, the sealing material 5<sub>1</sub> is shown slightly extended over the peripheral rim of the second housing part 2. Claim 19, as amended, is supported by the drawings shown in Fig. 1. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the objection to the drawings.

#### **REJECTION OF CLAIMS 1 AND 9-29 UNDER 35 USC § 112, FIRST PARAGRAPH**

In the Office Action, the Examiner rejected claims 1 and 9-29 under the first paragraph of 35 USC § 112, due to phrases appearing in claim 1 and claim 19. More specifically, as to claim 1, the Examiner is concerned that the claim appears to recite that the housing parts contact each other. Claim 1 has been amended to clarify such language. In this regard, claim 1 indicates that the housing parts contact the separator. Accordingly, there should be no question that the specification and drawings fully support the invention recited in claim 1. As to claim 19, the Examiner is again concerned about the sealant on the separator outreaching the edge. Claim 19 has been clarified to now specify that “the sealant on the separator outreaches over the edge of the film building at least a one of the housing parts of the battery.” In this regard, as noted above, Fig. 1 clearly indicates the sealing material 5<sub>1</sub> extending slightly over the peripheral rim of the second housing part 2. See also specification, page 2, lines 38-42. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the rejection to claims 1 and 9-29 under the first paragraph of 35 USC § 112.

#### **REJECTION OF CLAIMS 1 AND 9-29 UNDER 35 USC § 112, SECOND PARAGRAPH**

In the Office Action, the Examiner rejected claims 1 and 9-29 under the second paragraph of 35 USC § 112 as being indefinite. Claims 1 and 19 have been amended to further clarify the subject matter regarded as the invention. These amendments to claims 1 and 19 clarify the language of concern to the Examiner regarding these claims. As to claim 9, the antecedent basis for the “the film building” is now more clear from claim 1 as amended in that “the housing parts of the battery are built of electrically conductive film.” Accordingly, it is respectfully requested that the Examiner reconsider and withdraw the rejection to claims 1 and 9-29 under the second paragraph of 35 USC § 112.

#### **REJECTION OF CLAIMS 1, 9 AND 27 UNDER 35 USC § 102(b)**

In the Office Action, the Examiner rejected claims 1, 9 and 27 under 35 USC § 102(b) as being anticipated by Moulton et al., U.S. Patent No. 5,612,153. This rejection is fully traversed below.

The present invention describes a mechanical, new structure of the battery where a separator is a central, structural support element. The housing parts which accommodate electrodes are held or supported by the separator which has electrically insulating sealing and bonding material that is used to hold the housing parts to the separator so as to form a closed housing.

In contrast, Moulton et al. is concerned with a mask, namely, a layer of electrically insulative material that is coated along the perimeter of an anode and/or cathode. As stated in the abstract, “[t]he mask reduces the rate of dendrite formation and prevents edge-effects, short circuits and related problems caused by inadvertent contact of the anode and cathode.” Initially, it should be noted that col. 5, lines 25-27 of Moulton et al. clearly states that the battery described therein does not include a separator. The Examiner makes reference to col. 1, lines 31-54 of Moulton et al. which describes certain problems associated with conventional batteries. It is unclear how the Examiner applies this language to the invention recited in claim 1. Nevertheless, it does not appear that this language is relevant to the claimed invention. Moulton et al. is concerned with undesired “edge-effects” and/or dendrite growth, whereas the present invention makes use of a separator to assume a supporting function. Accordingly, it is submitted that claim 1 is patentably distinct from Moulton et al. In addition, it is submitted that dependent claims 9 and 27 are also patentably distinct from Moulton et al. for at least the same reasons as claim 1. The additional limitations recited in claim 1 or dependent claims 9 and 27 are not further discussed as the above-discussed limitations are clearly sufficient to distinguish claims 1, 9 and 27 over Moulton et al. Thus, it is respectfully requested that the Examiner reconsider and withdraw the rejection to claims 1, 9 and 27 under 35 USC § 102(b).

## **SUMMARY**

It is submitted that the specification and drawings are not objectionable. In addition, it is submitted that claims 1 and 9-29 reasonably satisfy all the requirements of 35 USC § 112. Furthermore, it is submitted that claims 1, 9 and 27 are patentably distinct from Moulton et al. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. ELIOP002).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "C. Douglass Thomas", written in a cursive style.

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**Fig. 3**

